

Appln. No.: 10/803,768
Reply to Office action of July 5, 2006

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REMARKS

Applicant acknowledges with appreciation the examiner's allowance of claim 11 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, applicant believes that the base claim 7 upon which claim 11 is dependent also defines patentable subject matter and to be in condition for allowance. Accordingly, applicant has elected to leave claim 11 in its dependent form.

Rejected Claims

Applicant traverses the examiner's rejection of claims 7-8, 10 and 12-16 as being unpatentable under 35 U.S.C. 103(a) over Santella (U.S. 5, 375, 569) in view of Haack, et al. (U.S. 2003/0008105A1).

Claim 7 recites a plastic component assembly having an elastomeric seal member, a metallic support element to which the seal member is secured, and a plastic component formed in-place and attached to the metallic support element.

In contrast, as noted in the previous response, Santella does not teach or suggest incorporating any metal materials in its representation of a valve rocker cover. Santella teaches a cover body 10 a sealing flange 14 and a sealant 16, all of which being fabricated from polymeric materials. The stated advantages of forming the valve rocker cover from polymeric materials is discussed in column 2, lines 7-13, as providing lighter weight and better noise reduction. Accordingly, applicant maintains that Santella teaches away from the use of metal in its construction for its valve rocker cover. In an effort to overcome Santella's teaching away from using metal in its construction, the examiner states that one of ordinary skill in the art may be willing to tolerate the known disadvantages of using metal in their application. Applicant believes this is a bootstrap argument in an effort to overcome a teaching away, and thus, believes the examiner has failed to establish a prima facie case of obviousness. To establish a prima facie case of obvious, the examiner has the burden to show a suggestion, motivation, or teaching within the reference to arrive at applicant's claimed invention. This has not been done. Further, applicant contends that

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the examiner's reference to column 2, lines 15-20, to suggest that Santella teaches using molding onto metal support members misconstrues what is stated therein. As stated in the previous response, applicant asserts that the discussion in column 2, lines 15-20, is merely to note that insert injection molding can be used to mold the separate polymeric materials to one another, and not to suggest that one of the components in the Santella construction be fabricated from metal.

Accordingly, applicant contends that without the examiner showing some suggestion, motivation, or teaching within Santella, et al. to fabricate the sealing flange 14 of metal, that the rejection should be withdrawn, and the claim allowed. Such action is respectfully requested.

Claims 8, 10, 12 and 13 are believed to define patentable subject matter and to be in condition for allowance for at least the same reasons stated above in support of claim 7. Accordingly, allowance of these claims is respectfully requested.

Claim 14 recites a cylinder head cover assembly for an internal combustion engine having a generally rigid metallic support element with upper and lower surfaces. Further, the assembly has an elastomeric seal attached to the lower surface of the support element, and a plastic cylinder head cover having a peripheral flange molded to the upper surface of the support element. The support element provides stiffness to the assembly while locating the seal for sealing engagement with the engine.

Applicant contends for at least the same reasons stated above in support of claim 7, that claim 14 defines patentable subject matter over Santella, whether considered alone, or combined with Haack, et al. Accordingly, allowance of claim 14 is respectfully requested.

Claims 15 and 16 are believed to define patentable subject matter for at least the same reasons stated above in support of claim 14. Accordingly, allowance of claims 15 and 16 is respectfully requested.

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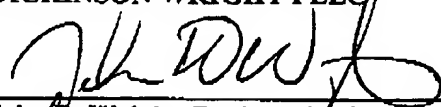
It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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Aug. 28, 2006
Date


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CERTIFICATE OF MAILING

I hereby certify that this **Amendment** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on 8-28-06


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